

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR FUENTES,

Plaintiff,

ROYAL DUTCH SHELL, plc, et al.

Defendants.

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Civil Action No. 2:18-cv-05174-AB

JOINT PROPOSED DISCOVERY PLAN

As required by this Court's April 23, 2019 Amended Notice (Doc. 16) and Federal Rule of Civil Procedure 26(f), and following their conference to discuss discovery issues in this case, the parties submit this joint discovery plan.

1. Rule 26(a) Disclosures

The parties will exchange their initial disclosures under Federal Rule of Civil Procedure 26(a) on May 31, 2019.

2. Discovery Subjects

A. Counsel for the parties agree that unless otherwise stipulated or ordered by the Court, discovery must proceed in accordance with the Federal Rules of Civil Procedure. The parties do not believe that any modifications to the procedures set out in the Rules are required at this time.

B. Counsel agree that the subjects of discovery include:

- The employment and earning histories of Victor Fuentes, the named plaintiff;

- The no-solicitation and no-hiring clauses in agreements between Jiffy Lube International, Inc. (“Jiffy Lube”) and its franchisees, including how and why they were developed and implemented;
- Whether those no-solicitation and no-hiring agreements affected wages of members of the proposed class (which will require collecting wage data from non-party Jiffy Lube franchisees);
- Operations and employee manuals for employees of Jiffy Lube franchisees, including any training and wage scales mandated or suggested by Jiffy Lube; and
- Whether Jiffy Lube franchisees compete for employees.

Jiffy Lube also believes that discovery will be needed on the labor markets in which Jiffy Lube franchisees compete for employees.

C. Counsel have not yet identified any depositions that they anticipate will be necessary other than the deposition of Victor Fuentes, but will begin to identify deponents as soon as initial disclosures are exchanged.

3. Pretrial timetable

Because this is a proposed class action, antitrust case and class certification briefing will require expert analysis, counsel for the parties believe that this case will require a departure from the Court’s default scheduling order and have set forth a proposed timetable for the schedule as follows:

Event	Proposed Date
Deadline for amending pleadings and joining parties	September 6, 2019
Plaintiff files motion for class certification (including any supporting expert declarations)	February 21, 2020
Defendant files opposition to motion for class certification (including any supporting expert declarations)	April 3, 2020
Plaintiff files reply in support of motion for class certification	May 22, 2020
Conclusion of fact discovery	June 19, 2020
Plaintiff serves merits expert reports	July 17, 2020
Defendant serves merits expert reports	August 21, 2020
Plaintiff serves merits rebuttal reports	September 18, 2020
Conclusion of expert discovery	October 23, 2020
Deadline for filing dispositive motions	November 20, 2020
Opposition to any Motion for Summary Judgment	January 15, 2021
Reply to any Motion for Summary Judgment	February 19, 2021

4. Alternative Dispute Resolution

The parties are open to participating in non-binding mediation.

5. Other Pretrial Issues

The parties anticipate asking that the court enter a protective order to facilitate discovery, an order regarding a protocol related to electronically stored information, and an order under Federal Rule of Evidence 502(d). The parties are conferring with each other regarding the contents of those orders and expect to submit them for the Court's consideration shortly.

Dated: May 1, 2019.

Respectfully submitted,

/s/ Michael L. Schrag

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CERTIFICATE OF FILING AND SERVICE

I certify that on May 1, 2019, I filed this document on Court's docket using the Court's CM/ECF system. Based on the Court's records, all counsel of record were served with a copy of the foregoing document by electronic means.

/s/ Andrea L. D'Ambra

Andrea L. D'Ambra